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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/081,260 | 02/22/2002 | Hong Da Tang | 00-027 CON | 2750 |

7590 11/18/2004

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EXAMINER

TRAN, PABLO N

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2685

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|--------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/081,260 | TANG ET AL. | |
| | Examiner | Art Unit | |
| | Pablo N Tran | 2685 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 21-25, 28-33, 38-45, 48 and 50 is/are rejected.
- 7) ☒ Claim(s) 26, 27, 34-37, 46, 47 and 49 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claim 32 is objected to because of the following informalities: the limitation "aservice" should be changed to --a service--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 38-43 and 50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 38, 41, and 50, claimed limitation "the service content predicated upon higher-level proximity-based events" rendered the claims indefinite. Does certain service(s) has preference over other services provided in a particular area or certain service can only be provide due to the subscriber presence/absence within an area. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 21-25, 28-33, 44-45, and 48 are rejected under 35 U.S.C. 102(e) as being anticipated by *Hollenberg* (6,091,956).

As per claims 21-22, 25, 30-33, 44-45, and 48, *Hollenberg* disclosed a system for providing services events to mobile terminal proximate to their current locations wherein a plurality of rf transceiver (communication detection devices) (fig. 1/no. 14a,14b, 14c) are situated within an enclosed area to locate mobile terminal (fig. 1/no. 18a,18b, 18c) and provides service events proximate to their location (col. 11/ln. 43-54). *Hollenberg* further disclosed a control system (multiplexer) (fig. 1/no. 36a) in communication with rf transceiver and a server (fig. 1/no.30a, 38a, 39a) in communication with the controller including content stored to provide services to the program on the mobile terminal. The rf transceivers as disclosed in *Hollenberg* are situated in a defined area, shopping mall, and when a transceiver located the presence of the mobile device is within the defined area, information events pertinent to the mall can be provided to the mobile terminal.

As per claim 23, *Hollenberg* further disclosed the controller (multiplexer) communicated between the server and the transceivers (detection devices) (col. 11/ln. 43-54).

As per claim 24, *Hollenberg* further disclosed that each of the detection devices, multiplexer, and server are each present at separate location (fig. 1, fig. 3).

As per claim 28, *Hollenberg* further disclosed a control program to notify (determine) whether the mobile device is within the physical space (col. 12/ln. 43-col. 13/ln. 8).

As per claims 29, *Hollenberg* further disclosed multiple servers are in communication with the multiplexer (fig. 1/no. 30a, 31a).

Allowable Subject Matter

6. Claims 26-27, 34-37, 46-47, and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 38-43 and 50 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hendrey et al. (6,647,269), Medl (6,728,632), Treyz et al. (6,587,835), Waters et al. (6,535,1320), Pfeffer et al. (6,529,728), and Ranzino (6,281,811) disclose location-based information in a radiotelephone communication system.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (703)308-7941. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the

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examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

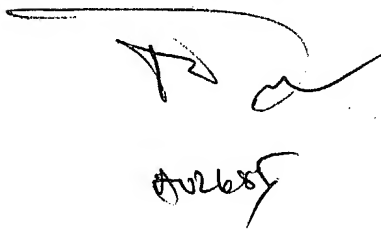
(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

PABLO N. TRAN
PRIMARY EXAMINER

November 11, 2004



Handwritten signature of Pablo N. Tran, consisting of a stylized 'P' and 'T' followed by a flourish, and the date '11/11/04' written below it.